

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert King, Jr.,

Civil No. 07-1908 (DWF/RLE)

Plaintiff,

v.

Reed LLC, a California Corporation,

Defendant,

and

**ORDER DISMISSING COUNT III
OF PLAINTIFF'S COMPLAINT**

Reed LLC, a California Corporation,

Third-Party Plaintiff,

v.

Dickson Concrete; Old American Mine
Services, Inc.; and James Heavy
Equipment Specialists, Inc.,

Third-Party Defendant.

Stuart L. Goldenberg, Esq., Goldenberg & Johnson, PLLC, counsel for Plaintiff.

Bradley J. Lindeman, Esq., Eric E. Holman, Esq., John E. Radmer, Esq., Jennifer E. Ampulski, Esq., and John J. McDonald, Jr., Esq., Meagher & Geer, PLLP, counsel for Defendant and Third-Party Plaintiff.

Blake W. Duerre, Esq., and Joseph M. Nemo, III, Esq., Arthur Chapman Kettering Smetak & Pikala, PA, counsel for Third-Party Defendant Dickson Concrete.

Patrick D. Reilly, Esq., Erstad & Riemer, PA, counsel for Third-Party Defendant Old American Mine Services, Inc.

Pursuant to the Stipulation for Dismissal with Prejudice of Count III of Plaintiff Robert King, Jr.'s, Complaint (Breach of Express Warranty) (Doc. No. 72), **IT IS HEREBY ORDERED** that Count III of Plaintiff's Complaint in the above-captioned matter is hereby **DISMISSED WITH PREJUDICE** and on the merits, without costs or disbursements to any party, and that judgment of dismissal with prejudice and on the merits of Count III of Plaintiff's Complaint shall be entered forthwith.

LET JUDGMENT BE ENTERED ACCORDINGLY AS TO COUNT III OF PLAINTIFF'S COMPLAINT ONLY.

Dated: April 14, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court